

**REPORT - PLANNING COMMISSION MEETING**  
**March 10, 2005**

**Project Name and Number:** CENTERVILLE MARKET PLACE (PLN2005-00129)

**Applicant:** Charter Properties

**Proposal:** To consider a Preliminary and Precise Planned District and a Preliminary Grading Plan for a vertical mixed-use development consisting of approximately 58,000 gross square feet of retail space and 110 residential units.

**Recommended Action:** Recommend to City Council.

**Location:** 37070 Fremont Boulevard in the Centerville Planning Area and Centerville Redevelopment Area.

**APN:** 501-1426-6-1; 501-1426-8-3; 501-1426-10-2; 501-1426-11; 501-1426-4-3 [formerly 501-1426-5 and 501-1426-4-2]; portion of 501-1426-12-2)

**Area:** 6.6 acres

**Owner:** Redevelopment Agency of the City of Fremont (Agency) primarily in fee, with a limited portion of the site subject to pending purchase and sale agreements

**Agent of Applicant:** Peter Stackpole, Loving& Campos, Architects Inc.

**Environmental Review:** A Mitigated Negative Declaration was previously prepared and circulated for this project. Planning Commission reviewed and recommended approval on January 27, 2005.

**Existing General Plan:** Community Commercial Center

**Existing Zoning:** C-C (CSPC) Community Commercial District (Centerville Specific Plan)

**Existing Land Use:** The site was previously developed with a commercial shopping center. The majority of the shopping center has been demolished and only one building remains.

**Public Hearing Notice:** Public hearing notification is applicable. 170 notices were mailed to owners and occupants of property within a minimum radius of 500 feet from the site on the following streets: Fremont Boulevard, Thornton Avenue, Post Street, Bonde Way, Baine Avenue, and Maple Street. The notices to owners and occupants were mailed on February 28, 2005. A Public Hearing Notice was delivered to The Argus newspaper on February 18, 2005 to be published by February 25, 2005.

**Executive Summary:** The applicant is requesting approval of a Preliminary and Precise Planned District and Preliminary Grading Plan for a vertical mixed-use development on a 6.6 acre site located in the Centerville Planning Area and Redevelopment Area. The project site is generally bounded by Fremont Boulevard, Thornton Avenue, Post Street, and Bonde Way. The proposed development includes 58,000 gross square feet of pedestrian-oriented retail space (fronting on both Fremont Boulevard and a new private street known as Market Street) and approximately 110 for-sale townhome-style residential units (17 below market rate). The residential units will be placed atop a podium deck covering most of the retail shops, restaurants and ground level parking. A Planned District is required when a mixed-use project is larger than four acres in size. The project is consistent with the City's General Plan and development standards.

**Background and Previous Actions:** In October 2003, the Redevelopment Agency Board concluded its developer selection process for the Centerville Unified Site (the "Site", located on Fremont Boulevard bounded by Bonde Way, Post Street and Thornton Avenue) and authorized the execution of an Exclusive Right to Negotiate Agreement (ERNA) with

Charter Properties to negotiate the terms and conditions for the disposition and development of the Site as a mixed-use retail/residential development. On September 28, 2004, the business terms and a Conceptual Development Program (CDP) were approved by the Redevelopment Agency Board after extensive public input, including comments from HARB and the Planning Commission. The Redevelopment Agency Board/City Council is tentatively scheduled to hold a public hearing on March 22, 2005, to consider and take action on the final Disposition and Development Agreement (DDA) between the Agency and Charter Properties. The DDA will provide for the sale of the Site from the Agency to Charter Properties based upon the approved business terms and CDP together with related agreements. The DDA includes many recommended land use and design controls and standards. Planning Commission has made findings of General Plan conformity regarding the DDA on January 27, 2005.

The proposed project includes the acquisition of a small "panhandle" portion (which was never improved or used for burials) of the adjoining Pioneer Cemetery and therefore, the Historical Architectural Review Board (HARB) also reviewed the proposed project on February 3, 2005. HARB found the proposed project and related land acquisition of the Cemetery Panhandle parcel in conformance with the relevant provisions contained in the City's existing General Plan. It has also been determined that the acquisition of the panhandle parcel and incorporation into the proposed Centerville Market Place site plan would have a less than significant impact on the historic cemetery and will not disturb any known human remains.

**Project Description:** As part of the implementation of the Redevelopment Plan, the Redevelopment Agency designated the project Site as a Unified Development Area and has already acquired, or is in the process of acquiring, parcels to facilitate private development of the Site. The proposed project is a mixed-use development with 58,000 gross square feet of pedestrian-oriented retail space fronting on Fremont Boulevard and a new private street (Market Street). Approximately 110 for-sale one and two story residential units (17 below market rate pursuant to the Inclusionary Ordinance) are also proposed. The residential units and private recreational amenities will be placed atop a podium deck covering most of the retail shops and restaurants as well as the ground level parking. Some key design considerations are as follows:

*Public Plaza – Design and Use:* A privately owned and maintained public plaza will be the dominant focal point of Market Street and will contain a detached pavilion and a large water feature. Outdoor dining on the plaza will be encouraged, as well as the use of the plaza for regular outdoor entertainment and a Farmers Market.

*Architecture and Building Materials:* The intent of the architectural design is to create the appearance of individual buildings. The proposed building design includes a variety of materials and finishes. There are eight different color palettes for the painted cement plaster exteriors. Other materials include painted metal batten seam roofing, metal and fabric canopies, limestone finish trim and a variety of stone and tile accents. A color and materials board will be presented at the Planning Commission hearing.

*Housing Mix:* A diverse housing product, both in product size and configuration, is planned for the project in order to capture the target market which is primarily empty nesters, singles, seniors, and couples with no children. Housing types range from 990 square foot single story units to 1480 square foot two story units. Each unit will have no more than two bedrooms, and may vary in the number of bathrooms, the size and configuration of each room, and whether or not a den or other amenities are provided.

*Retail Tenants:* The DDA restricts the land uses that can occupy the retail space within the development (see Exhibit J). The development is expected to be anchored by four or five high quality restaurants with smaller food-oriented spaces and other specialty retailers occupying the balance of the retail space. The Developer has letters of intent for 26,200 (45%) gross square feet of space from the following restaurants at this time:

- Milano Ristornante (3,100 square feet)
- Tamarine (7,000 square feet)
- Hong Kong Flower Lounge (13,600 square feet)
- Ray's Sushi (2,500 square feet)

*Parking and traffic circulation.* All parking for the project will be located at ground level, predominantly under the podium deck behind the retail businesses. Diagonal parking will also line Market Street (proposed new private street). Each townhome has two parking spaces located in a secured area under its podium deck. This exceeds the City's parking requirement by half a parking space per unit (or 55 spaces). Required guest parking for the townhomes will be provided in the form of shared parking within the retail parking area as recommended by the Mixed Use Development Ordinance.

The retail area is parked at an average of 4.7 spaces per thousand square feet of retail for a total of 270 parking spaces. This exceeds the City's parking standard for a commercial center by approximately 38 spaces. When combined with the 11 spaces that will be available along the project boundary on Post Street, the proposed retail parking exceeds City requirements by 49 spaces. This level of parking exceeds the requirements of the City's Mixed-Use Development Ordinance and is expected to provide ample opportunity for residential guest parking and extra parking for retail customers during peak hours. In the event that additional parking is required during peak hours, the Developer has agreed to pursue off-site valet parking opportunities.

*Fremont Boulevard - Pedestrian Amenities:* Two columns approximately eighteen feet in height and finished with decorative tile provide focal points at the opening of Market Street. Sidewalks will be a minimum width of 13 feet to provide a suitable pathway for pedestrians and outdoor dining opportunities.

*Post Street - Pedestrian Amenities and Circulation:* The entry is designed with bulb-outs to help calm traffic and protect on-street parking areas. A traffic signal is proposed for Post Street and Thornton Avenue.

*Market Street – Pedestrian Amenities and Circulation:* Market Street is proposed as a private street to provide maximum flexibility for its design and use. Sidewalks will be a minimum of 14 feet wide to provide a suitable pathway for pedestrians and allow for potential outdoor dining seating. Street maintenance will be the responsibility of the property owner. Seating will be provided in many locations up and down the street and around the fountain and trees in the plaza area. Access points to parking garages off of Market Street will have mini-plazas, display windows and design details to ensure they appear open and welcoming to pedestrians.

**General Plan Conformance:** The General Plan land use designation for the project site is Community Commercial Center. The following policies are applicable:

**Policy LU 1.20:** Mixed use (residential/commercial) is allowed in Commercial Districts as specified by the zoning regulations for the respective district in order to increase the vitality and activity within the commercial district.

**Objective LE3.2:** Thriving community commercial centers whose function is to provide a wide range of goods in a focused, identifiable, pedestrian oriented commercial area.

The project site is located in Subarea 1 of the Centerville Specific Plan. Figure C-2 of the Subarea 1 concept plan indicates a new shopping center to be located at the proposed project site. The land use objectives of the Centerville Specific Plan include:

- Enhance viable commercial districts in Centerville.
- Concentrate retail activities in the historic business district of Centerville.
- Promote pedestrian-oriented uses and spaces especially in the historic business district.

The proposed project will support these objectives by allowing the developer to create a new mixed-use development, with significant retail elements, and centered with a public plaza and new street which will enhance pedestrian uses.

**HOUSING (H) GOAL 3:   Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City**

The proposed residences will provide additional housing opportunities at market rate and will include seventeen (17) Below Market Rate (BMR) units as required by the Inclusionary Ordinance. The proposed project has the potential to

enhance the existing neighborhood by providing well-designed housing in addition to the new pedestrian oriented retail uses. The proposed development project will provide units that range in size and number of stories, which will appeal to a variety of households.

The proposed Preliminary and Precise Planned District mixed-use project is in conformance with the General Plan land use designation and provides affordable housing and neighborhood revitalization. The proposed project also meets City economic development goals and objectives of the General Plan.

**Zoning Conformance:** The proposed project is a rezoning from C-C(CSPC) Community Commercial District (Centerville Specific Plan) to P-2005-129 (CSPC) (Planned District Centerville Specific Plan). The Planned District zoning is a requirement of mixed-use developments larger than four acres in size. The following are required findings for a Planned District rezoning:

- (a) The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.

*Comment: The project must be completed within pursuant to the deadlines in the DDA, which are within this period of time.*

- (b) Each individual unit of development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.

*Comment: The proposed mixed use development is consistent with the Land Use and Housing Elements of the City's General Plan. The applicant has incorporated many features including high quality architecture, site design and landscaping as well as the required affordable housing component. The project will have a beneficial effect that could not be achieved under a standard zoning district because the Planned District will allow for development flexibility that is necessary to respond to the unique constraints found at this location and with the mixed-use development requirements.*

- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district.

*Comment: The proposed project is an infill mixed-use development within an urban area. The site was previously developed with a retail shopping center. Fremont Boulevard is a major thoroughfare in the City of Fremont, and at this location in front of the proposed project. A traffic analysis (Hexagon Transportation Consultants, Inc., November 2004) was prepared for the Centerville Market Place development. Findings from this analysis concluded traffic from the proposed project would represent 1.4% of the P.M. peak traffic flow on Fremont Boulevard. The level of service (LOS) under the proposed project, with mitigation measures, will remain unchanged or improve. The proposed project is accessed from both Fremont Boulevard and Post Street. The site is designed with the new interior Market Street, a private street from Fremont Boulevard to Post Street and surface parking. The site is located in a developed area with a generally completed street system. The proposed project site design will provide adequate parking and emergency access.*

- (d) Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed.

*Comment: The proposed project is a mixed-use project located in Subarea 1 of the Centerville Specific Plan. The specific plan indicates a new shopping center to be located at the proposed project site to concentrate retail activities in the historic business district of Centerville and to promote pedestrian-oriented uses and spaces. The proposed project will support these objectives by allowing the developer to create a new mixed-use development, with significant retail elements, and centered with a public plaza and new street which will enhance pedestrian uses.*

- (e) Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council.

*Comment: A Planned District is required when a mixed-use project is larger than four acres in size. The mixed-use standards allow flexibility in design to accommodate the different uses. The applicant has incorporated features that warrant approval of the mixed-use project. The project does exceed the C-C Community Commercial District height limit of forty feet. The height at the roofline of the majority of the townhouse units ranges from 38 to forty feet. The height at the roof peak of corner elements and towers varies from 42.5 feet to a maximum of 55 feet on the tower element located at the entry at Fremont Boulevard and Market Street. The increase in height at the corners adds variety to the roof line and creates focal points at the entries to Market Street.*

- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

*Comment: The area surrounding the development is developed and compatible with the proposed development.*

- (g) The "P" district is in conformance with the General Plan.

*Comment: The project conforms to the goals and policies of the Land Use and Housing Elements of the City's General Plan.*

- (h) That existing or proposed utility services are adequate for the population densities proposed.

*Comment: The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.*

**Consistency with Mixed Use Development Standards:** The following sections analyze the proposed project for compliance with the City's Mixed-Use Development Ordinance, Section 8-22148.7. of the Fremont Municipal Code (FMC).

Uses: The intent of the ordinance is to allow a mix of complimentary land uses that include retail, services and housing. The proposed project proposes allowed uses that are generally in conformance with the ordinance but have been modified as negotiated in the DDA. The retail tenancing strategy and allowed uses are described in the enclosed Exhibit "J". The uses are also addressed in the conditions of approval.

Development intensity: The ordinance states that the maximum floor area ratio (FAR) for a mixed-use project in the C-C Zoning District is 1.25. The project as proposed has an approximate FAR of .66 not including the recreational clubhouses. The podium parking structure is exempt from FAR calculations. As such, the project is consistent with the regulations related to FAR. The requirement for the minimum amount of floor area for commercial space is based on the length of commercial street frontage of the parcel multiplied by thirty. The combined street frontage of Fremont Boulevard and Post Street totals 1,379 feet. 1,379 multiplied by thirty equals 41,370 square feet of required commercial space. The project proposes approximately 58,000 square feet of commercial space and is in conformance with this requirement. Additionally the minimum depth of the commercial space is predominately fifty feet or greater which also conforms to the Mixed-Use Development requirements.

Building Criteria- Development Standards: The development standards require a maximum building height in conformance with the commercial district in which the project is located. The project site is surrounded by other commercial zoned properties. The project does exceed the C-C Community Commercial District height limit of forty feet in some limited areas as described previously. The height at the roofline of the majority of the townhouse units ranges from 38 to 40 feet. The height at the roof peak of corner elements and towers varies from 42.5 feet to a maximum of 55 feet on the tower element located at the entry at Fremont Boulevard and Market Street. The increase in height at the corners adds variety to the roof line and creates focal points at the entries to Market Street.

The residential units are located on the second level (podium) of the structures. The residential area is secured from the public areas through the use of gates and a visitor intercom system. Both single-story and two story residential units area

proposed. There are a total of five floor plan types with options or variations to each. The floor plans vary in size from 990 square feet to 1480 square feet. Open space is provided by both private patio areas and shared plaza, rooftop gardens, clubhouse and swimming pool facilities.

**Design criteria:** The intent of the architectural design is to create the appearance of individual buildings. The proposed building design includes a variety of materials and finishes. There are eight different color palettes for the painted cement plaster exteriors. Other materials include painted metal batten seam roofing, metal and fabric canopies, limestone finish trim and a variety of stone and tile accents. The vertical plane of the building does have a high level of articulation through the use of recessed windows, transparent storefronts, and the use of awnings on both retail and residential spaces.

**Signs-Design Guidelines:** Signage should provide orienting clues and establish project identity. Exhibit "B" provides examples of proposed storefront signs and unacceptable signs. Wall sign lettering will be cut raised relief letters and logos with the option to backlight if desired by retailers. Otherwise signage will be on glass, blade signs, canopy edges, or suspended from canopies. No signs are proposed above the 18 feet high retail frontage area. Internally illuminated can signs and letters will not be allowed. A Planned Sign Program (PSP) will be required as a condition of approval.

**On-site Parking Areas:** A total of 270 retail parking spaces are provided on Market Street and in both covered and uncovered parking lots. This exceeds the City's parking standard for a commercial center by approximately 38 spaces. When combined with the 11 spaces that will be available along the project boundary on Post Street, the proposed retail parking exceeds City requirements by 49 spaces. This level of parking exceeds the requirements of the City's Mixed-Use Development Ordinance. The number of parking spaces also provide for residential guest parking and extra parking for retail customers during peak hours. In the event that additional parking is required during peak hours, the Developer has agreed to pursue off-site valet parking opportunities. Secured covered parking is provided in conformance with the residential parking requirements. Two covered spaces will be provided to each unit. The required guest parking for the residential units will be provided in the form of shared parking within the retail parking area.

**Evaluation Criteria – Findings:** The following findings with staff comments are required by ordinance to assure the proposed development meets the intent of this section for mixed-use development. The findings are shall be made prior to approving a mixed-use project and are as follows:

- 1) **Community integration:** The development integrates into the existing community and creates an appropriate internal and external human scale, providing for pedestrian comfort and amenities.

*Comment: The proposed development concentrates retail activities in the historic business district of Centerville and promotes pedestrian-oriented uses and spaces. The proposed project includes significant retail elements and a public plaza and new street which will enhance pedestrian uses.*

- 2) **Building and site layout:** The building and site layout is adaptable and would permit future changes in land use over time. Each use is designed and positioned to achieve its maximum potential so that they perform as a whole and benefit from one another. An efficiently functioning infrastructure (i.e., parking, services, utilities, and effective mechanical, electrical, and structural systems) is incorporated in the design of the development capable of servicing each component of the development's differing demands.

*Comment: The site design and architecture addresses the function and needs of each type of use. The infrastructure has been reviewed to function efficiently and provide services necessary for all components of the project. The design provides both privacy to the residents and close proximity to the public retail areas such as the plaza.*

- 3) **Land uses:** The land uses provided by the development are compatible with one another and with the adjacent neighborhood. The commercial uses are those which would serve the residents of the development and the neighborhood. In addition, the project includes amenities and attractions that cannot be provided in single-purpose projects, such as interesting people-oriented spaces and a public realm that can capitalize on the synergy of diverse uses.

*Comment: The allowed land uses have been reviewed for compatibility with the residential uses and the adjacent neighborhood. The project does include a new street and plaza area and provides outdoor dining spaces.*

- 4) **Pedestrian-orientation:** The development is able to provide a safe and well-organized pedestrian access within the site and to relevant adjacent areas. All portions of the development are accessible by a direct, convenient, attractive, and comfortable system of pedestrian facilities.

*Comment: The proposed development provides safe, well-designed and attractive pedestrian access to the retail and parking areas. Seating will be provided in many locations on Market Street and around the fountain and trees in the plaza area. Access points to parking garages off of Market Street will have mini-plazas, display windows and design details to ensure they appear open and welcoming to pedestrians. The plaza will contain a detached pavilion and a large water feature. Outdoor dining on the plaza will be encouraged, as well as the use of the plaza for regular outdoor entertainment and a Farmers Market.*

- 5) **Open and Public Spaces:** The development provides usable public and private open space, enhances the vitality of existing commercial activity, and recognizes and responds appropriately to adjacent existing or planned public spaces (e.g., parks, civic buildings, transit stops, sidewalks, plazas, and similar spaces).

*Comment: As described above, the site design provides usable and public and private open space. The design of the public plaza encourages various activities. The residential area includes two clubhouses, a spa with conservatory and a swimming pool in addition to landscaping and seating areas. Each unit also has a private walled patio area.*

- 6) **Parking:** The development minimizes the amount of land developed as surface parking including implementing measures which reduce the overall the amount of parking needed for the development, such as but not limited to, joint-use parking and access to public transit. Parking areas have been located where they can be conveniently and safely accessed and without difficulty from the street and within the development. On-site parking areas are designed in such a way that it does not dominate street frontage nor interfere with pedestrian areas. In addition, on-street parking is located in proximity to the retail component of the development.

*Comment: The amount of land developed as parking has been minimized by providing joint parking for the retail uses and residential guests. Parking is screened either by the podium structure or by landscaping. Access from the parking areas is attractively designed and located on both sides of the retail buildings and on the central Market Street.*

**Redevelopment Plan Conformance:** The proposed project meets a basic goal of redevelopment to consolidate odd shaped parcels in multiple ownerships into more easily developed properties. The Redevelopment Agency designated the project Site as a Unified Development Area and has acquired, or is in the process of acquiring, parcels to facilitate private development of the Site. The Redevelopment Agency has entered into an Exclusive Right to Negotiate Agreement (ERNA) with Charter Properties to negotiate the terms and conditions for the disposition and development of the Site as a mixed-use retail/residential development. The proposed project helps further 11 out of 23 goals and objectives identified in the Centerville Redevelopment Plan (page 4). These are:

**A. (Goal #1) The elimination of adverse physical and economic conditions within the Project Area.** Once executed, the project will have demolished 70,000 square feet of substandard, underutilized and/or abandoned retail structures fronting Fremont Boulevard in the heart of Centerville's commercial district. It will also have removed three abandoned subterranean fuel storage tanks and approximately 3,800 tons of lead contaminated soil.

**B. (Goal #2) The elimination or renovation of substandard buildings and those that conflict with the uses proposed in the General Plan and Specific Plan.** As noted above, the project will remove 70,000 square feet of substandard, underutilized and/or abandoned retail structures fronting Fremont Boulevard in the heart of Centerville's Commercial district.

**C. (Goal #3) The elimination of substandard sized lots and lots of irregular shape.** The project incorporates the panhandle portion of the Pioneer Cemetery (a twelve foot wide remnant of the Pioneer Cemetery) into its design.

Incorporating the panhandle into the project eliminates this irregular piece of property that has gathered weeds and trash for many years.

**D. (Goal #4) The creation of sites of adequate shape and size for redevelopment in accordance with a unified development plan by assembling smaller parcels of inadequate size and shape.** The project consolidates all or part of six parcels under four separate ownerships into one developable 6.6 acre parcel.

**E. (Goal #5) The creation of residential opportunities for all segments of the community, including the provision of quality affordable housing.** The project would create 110 townhome style condominium units of varying sizes and configurations. Seventeen of these units will be available at below market rate as affordable housing units.

**F. (Goal #7) The encouragement of residential development in appropriate locations.** The project provides housing above retail space on Fremont Boulevard, preserving the retail nature of Centerville's downtown while providing high quality housing opportunities.

**G. (Goal #8) The enhancement of viable commercial districts in Centerville, including the attraction and retention of neighborhood serving commercial facilities.** The project will provide 58,000 square feet of retail space anchored by several large high quality restaurants. The addition of this enhanced retail experience is expected to improve Centerville's commercial district.

**H. (Goal #9) The concentration of retail activities in the historic business district of Centerville.** The project area is within Subarea 1 of the Centerville Specific Plan which includes Centerville's historic business district. This project adds 58,000 square feet of high quality retail space to this district.

**I. (Goal #10) The promotion of pedestrian-oriented uses and spaces especially in the historic business district, including the retention of business entrances on Fremont Boulevard, as appropriate.** The project places 58,000 square feet of high quality retail within Subarea 1 (containing the historic business district) of the Centerville Specific Plan. As much as 390 linear feet (representing approximately 23,400 square feet) of this project fronts on Fremont Boulevard. Business entrances are oriented to Fremont Boulevard where appropriate.

**J. (Goal #13) The development of public plazas which serve as public gathering places or focus points for employees and customers in Centerville's heritage retail district.** The project has a large privately-owned public plaza located on the private street in close proximity to Fremont Boulevard. The Disposition and Development Agreement between the Developer and the Redevelopment Agency requires that this plaza be made available for to the public for use as a gathering place and for certain public events.

**K. (Goal #21) The attraction of appropriate new businesses and the retention and expansion of existing businesses in coordination with Citywide economic development programs.** The project will add 58,000 square feet of high quality retail space which will be available for new and expanding businesses in Fremont.

**City Landscape Architect Review of Proposed Tree Removal and Preservation:** The proposed project is located on a site that has a total of 14 street trees, 1 onsite tree, and 22 offsite trees, as shown on the Tree Survey Plan, L-6. Of these trees, 7 trees are designated for removal and include 3 Pittosporums that have been found to be in poor condition. The remaining 4 trees are located in conflict with the proposed development and their preservation would require unreasonable modifications to the design of the project. The Tree Survey shows a number of offsite trees that may be affected by the development. It is the intent of the applicant to preserve all offsite trees that have been identified in the Tree Survey. However, Trees #1, 2, & 3 (Italian Stone Pines) may be impacted by the development to such an extent that removal may be necessary.

Offsite trees #15(Holly Oak) and #17(California Pepper) shall be preserved in accordance with the guidelines given in the Tree Survey report prepared by HortScience, dated September 2004.



**Circulation/Access Analysis:** The project site has frontage on Post Street to the north and on Fremont Boulevard to the south. Both pedestrian and vehicular traffic will access the site from these streets. A new central driveway, Market Street, divides the east and west sides of the site and provides diagonal parking in front of the retail uses.

Pedestrian facilities include fourteen-foot wide sidewalks along Fremont Boulevard and Market Street. Post Street will have a ten-foot wide sidewalk with on-street parallel parking. Pedestrian walkway connections are provided between the retail buildings, which allow circulation between the parking lots and Market Street.

Four driveways on Fremont Boulevard and five driveways on Post Street provide vehicular access to the site. The Market Street driveways provide the primary access and frontage for the retail buildings. The other driveways provide access to the residential parking areas and retail parking areas. The residential parking areas will be secure and for the exclusive use of the homeowners.

**Street Improvements:** The project includes improvements to both Fremont Boulevard and Post Street. Both streets have been previously improved, Post Street as part of a local improvement district and Fremont Boulevard was recently improved under the City's capitol improvement project, Fremont Boulevard Streetscape, City Project No. 8390/8391(PWC). The project is also required to install a traffic signal at the intersection of Post Street and Thornton Avenue. The following describes the street improvement and right-of-way dedication requirements for the project.

- Fremont Boulevard, also known as State Highway 84, is designated by the General Plan as an arterial with two vehicle lanes each direction. As a state highway, right-of-way and street improvements within Fremont Boulevard are subject to Caltrans review and approval. The current street improvements, installed with the City's capitol improvement project, include design exceptions that were granted by Caltrans. The exceptions were needed due to the fact that existing buildings (Scenarios, the former Metropole, and former Cloverdale Creamery) would have required modification or perhaps demolition to achieve a constant street width. The Metropole building has been demolished and this project proposes the demolition of the Scenario building, removing the building constraints on the north side of Fremont Boulevard.

Due to the fact that the existing Fremont Boulevard lane widths do not conform to Caltrans standards, Caltrans may require the widening of Fremont Boulevard, particularly from the existing Scenarios building to the adjacent Carl's Jr. restaurant. The applicant's plans do not anticipate street widening on Fremont Boulevard, however Caltrans has not reviewed or approved the project plans. Street improvements, including pavement widening, shall be subject to review and approval by Caltrans and the City Engineer. Street right-of-way dedication is also required along the Fremont Boulevard frontage. The extent of right-of-way dedication shall be determined by the City Engineer and shown as part of the tentative tract map for the project.

- Post Street is a minor commercial street with an existing right-of-way width of sixty-four feet and a pavement width of forty-four feet. Street improvements include, but are not limited to, removal of six existing driveways and installation of five new driveways, including the Market Street driveway. Other improvements include installation of street trees, repair and replacement of sidewalk, installation of storm drain and other utilities. All improvements on Post Street are subject to review and approval by the City Engineer.
- Traffic Signal Installation: The project warrants the installation of a new traffic signal at the intersection of Thornton Avenue and Post Street. The developer shall prepare intersection improvement plans, subject to review and approval of the City Engineer, and install the traffic signals and associated improvements.

**Grading/Topography:** The project site is a 6.6-acre parcel previously developed for retail, automotive, and other uses. In anticipation of the redevelopment of the site, demolition permits were issued for all but one building (Scenario Game & Hobby Shop). These buildings have been demolished and currently a stockpile of demolition debris remains in the southern portion of the site.

The site is currently bounded Fremont Boulevard to the south, Carl's Jr. and The Parts House to the west, Post Street to the north, and the Centerville Pioneer Cemetery and Taco Bell to the east. Because the site is surrounded by developed properties, the project is limited to matching grades along the project boundary. Therefore, grading for the project site will

consist of preparing the site for the buildings pads and parking lots. The project civil engineer has identified finished grade differences between the project and the Pioneer Cemetery. The plan also shows grading in the southwest corner of the Cemetery. Adjacent owners must grant permission for grading on their property.

The grading quantity estimates for the project consist of 62,000 cubic yards of over-excavation, of which 45,000 cubic yards will be blended and used for engineered fill on-site. The project civil engineer estimates that 13,500 cubic yards of the excavated material will have to be exported from the site. The truck route for any import or export soil is subject to review and approval by the City Engineer prior to issuance of any grading permit.

**Drainage:** Public storm drains exist in both Post Street and Fremont Boulevard. The proposed on-site storm drain system is designed to direct runoff from the majority of the site to the storm drain system in Post Street, which eventually connects to the Alameda County Flood Control and Water Conservation District (Flood Control) Zone 5, Line K-3. The on-site storm drain system is proposed to connect to an underground storm water pollution control unit, which is intended to remove pollutants from stormwater runoff prior to discharging to the public storm drain. The design and density of the project site is such that other storm water treatment technologies may be needed. The storm drain system, including any integrated storm water treatment devices, will be subject to review and approval of the City Engineer and Alameda County Flood Control and Water Conservation District.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board. Prior to approval of building permits or approval of the final map, the developer must demonstrate the site design complies with the NPDES permit requirements.

#### **Applicable Fees:**

**Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. The developer is entitled to a fee credit equal to the square footage of buildings removed from the site.

**Centerville Specific Plan Fee:** This project is located within Subarea 1 of the Centerville Specific Plan and is subject to fees related to the cost of preparing the Centerville Specific Plan. The plan fee in this subarea is currently \$2,985 per acre of site. These fees will be collected at the time of building permit issuance.

**Waste Management:** This project involves residential and commercial construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials.

**Environmental Analysis:** An Initial Study and Draft Mitigated Negative Declaration has been prepared for this project and was previously reviewed and recommended for approval to City Council by Planning Commission on January 27, 2005. The Negative Declaration is intended to be used as the environmental review document under CEQA for a series of public approvals for the project, including, without limitation: (1) approval and implementation of the Agreements described above; (2) findings of General Plan conformance in connection with the above-described acquisitions and dispositions of land by the Agency; and (3) rezoning of the site to a Preliminary and Precise Planned District, and issuance of a Preliminary Grading Plan for the site and the project. The Negative Declaration includes mitigation measures to meet General Plan and Zoning standards, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures will be included in a Mitigation Monitoring Plan. A more detailed description of the potential impacts and mitigation measures was provided within the Initial Study for the project previously included

as an enclosure. City Council will consider the Initial Study and Draft Mitigated Negative Declaration and all comments at the public hearing for the project tentatively scheduled on March 22, 2005. Staff recommends that the Planning Commission find that the Mitigated Negative Declaration adequately addresses the proposed project and that the City Council adopt the Initial Study and Draft Mitigated Negative Declaration.

**Response from Agencies and Organizations:** No outside response or comment had been received at the time of publication of this report.

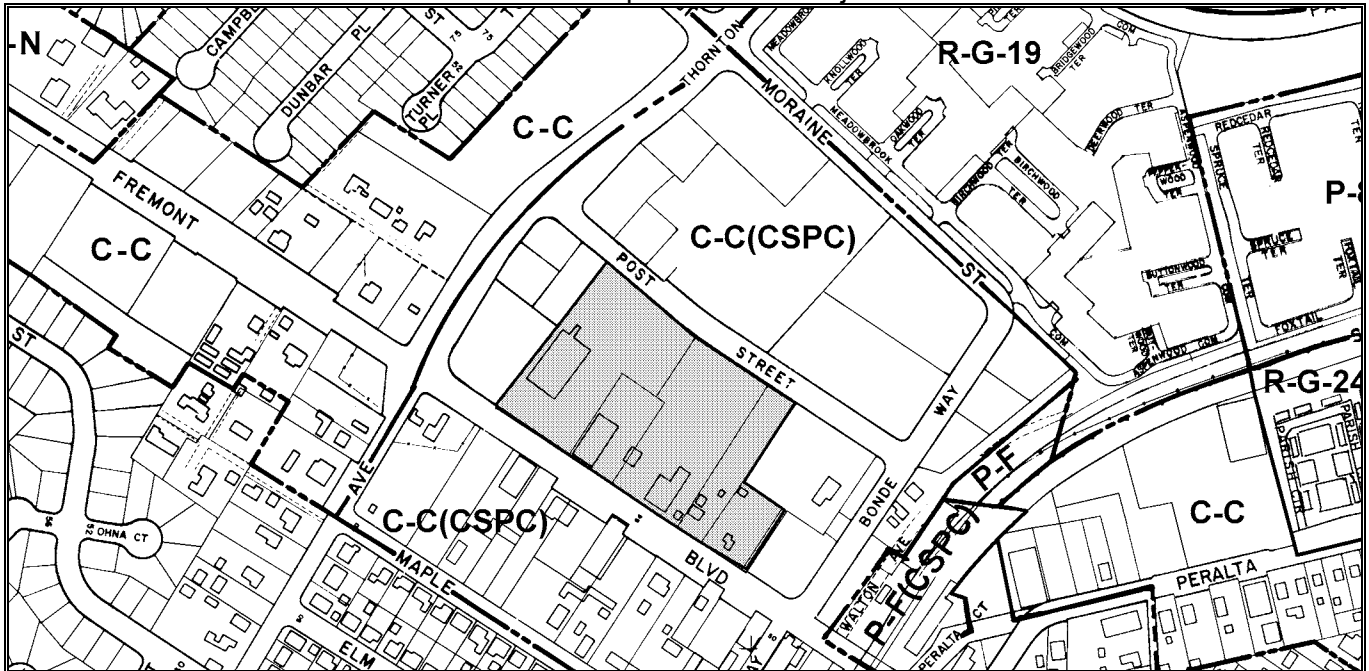
**ENCLOSURES:** Exhibit "B" (Site Plan, Elevations, Floor Plans, Landscape Plan)  
Exhibit "E" (Preliminary Grading Plan)  
Exhibit "1" Professional Team Endorsement  
Exhibit "2" Property Owner Consent Letter  
Exhibit "3" Property Description  
Exhibit "J" DDA excerpt

**EXHIBITS:** Exhibit "A" (Zoning)  
Exhibit "B" (Site Plan, Elevations, Floor Plans, Landscape Plan)  
Exhibit "C" (Material Color and Sample Board)  
Exhibit "D" (Findings and Conditions)  
Exhibit "E" (Preliminary Grading Plan)  
Exhibit "F" (Preliminary Grading Findings and Conditions)

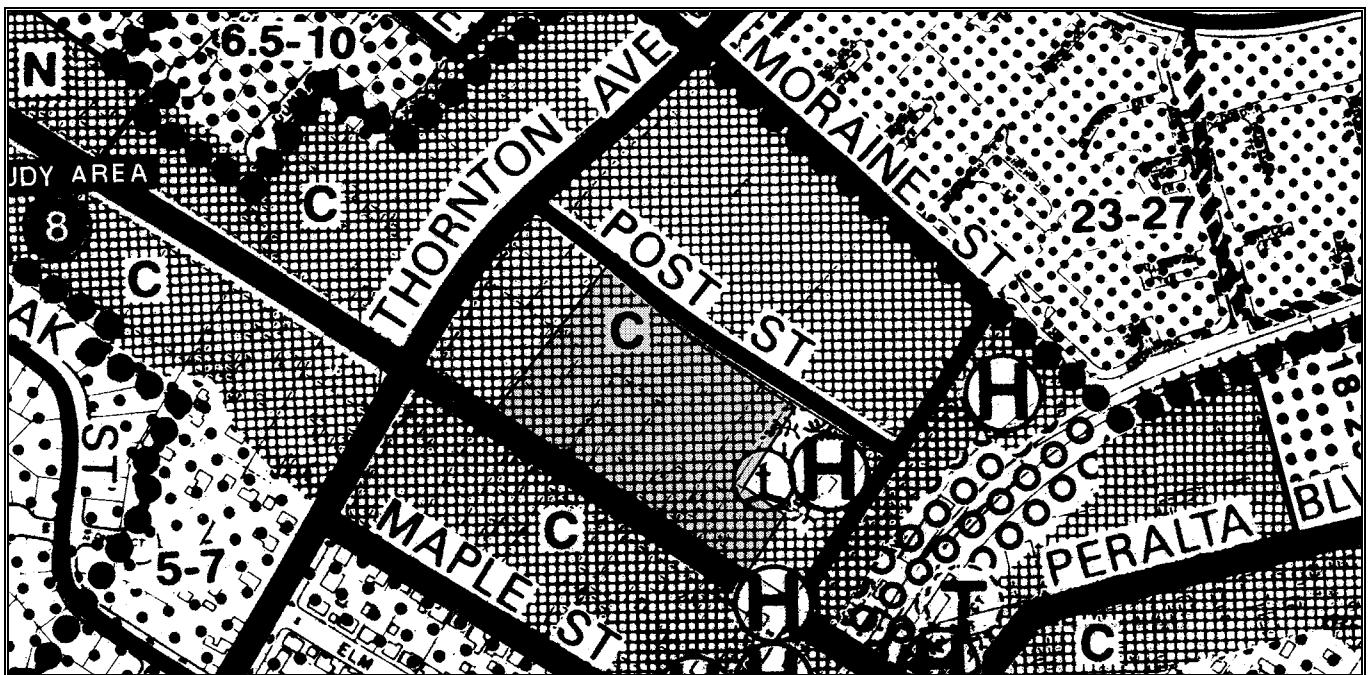
**Recommended Actions:**

1. Hold public hearing.
2. Find that the Mitigated Negative Declaration adequately addresses the proposed project and recommend that the City Council adopt the Mitigated Negative Declaration.
3. Find PLN2005-00129 is in conformance with the relevant provisions contained in the City's existing General Plan and the Centerville Specific Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters and Centerville Specific Plan as enumerated within the staff report.
4. Find PLN2005-00129, as per Exhibit "B" (site plan, floor plans, elevations and landscape plan), fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Accept as complete:  
  
Exhibit 1 - Professional Team Endorsement  
Exhibit 2 - Property Owner Consent Letter  
Exhibit 3 - Property Description
6. Recommend to the City Council the rezoning as shown on Exhibit "A" (Zoning Exhibit including updating of Figure D-1 of the Centerville Specific Plan) and Exhibit "B" (Preliminary and Precise site plan, preliminary landscape plan, floor plans and elevations) and Exhibit "C" (material color and sample board) for PLN2005-00129 be approved, based upon the findings and subject to the conditions of approval set forth in Exhibit "D".
7. Recommend to the City Council the Preliminary Grading Plan as shown on Exhibit "E" (Preliminary Grading Plan) be approved, based on the findings and subject to the conditions of Exhibit "F" (Preliminary Grading Findings and Conditions).
8. Recommend PLN2005-00129 to the City Council.

Existing Zoning  
Shaded area represents the Project Site



Existing General Plan



# EXHIBIT "A"

Attached to and made a part of

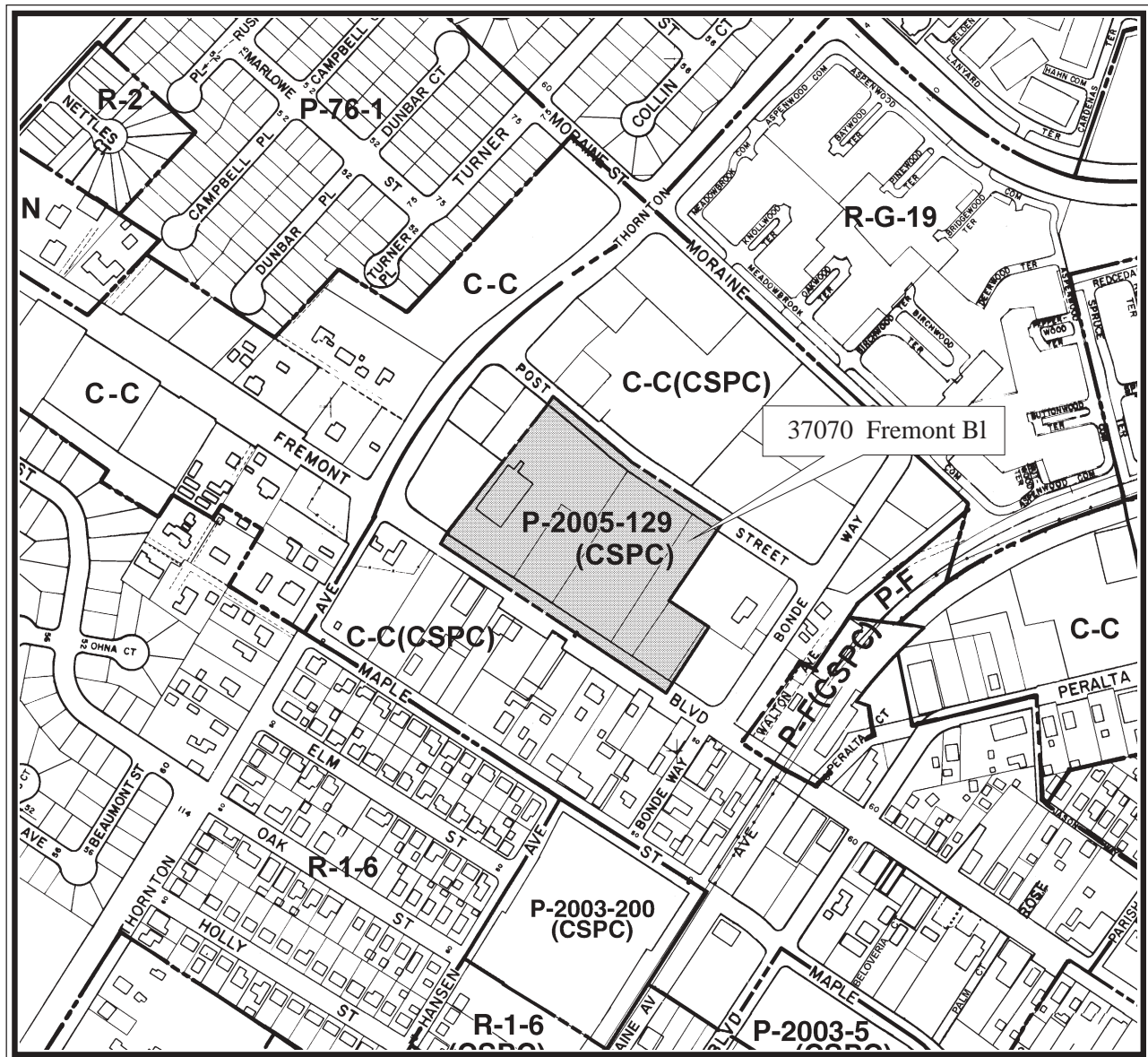
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 05 .

## ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTERVILLE PLANNING AREA



[pc on 03-10-2005] 60-388

**From:** C-C(CSPC)

**To:** P-2005-129(CSPC)

**Project Name:** Centerville Market Place

**Project Number:** PLN2005-00129 (pd)



**EXHIBIT "D"**  
**CENTERVILLE MARKET PLACE**  
**PLN2005-00129**

**FINDINGS**

The following findings are made based upon the information contained in the staff report as well as information presented at the public hearing, incorporated hereby:

1. The proposed "P" district, or a given unit thereof, can be substantially completed within four years of a preliminary and precise "P" district approval because the project must be completed within pursuant to the deadlines in the DDA, which are within this period of time.
2. That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district. The proposed mixed use development is consistent with the Land Use and Housing Elements of the City's General Plan. The applicant has incorporated many features including high quality architecture, site design and landscaping as well as the required affordable housing component. The project will have a beneficial effect that could not be achieved under a standard zoning district because the Planned District will allow for development flexibility that is necessary to respond to the unique constraints found at this location and with the mixed-use development requirements.
3. That the existing streets and thoroughfares and required on-site improvements are suitable and adequate to carry anticipated traffic, and anticipated future potential for site development will not generate traffic in such amounts as to overload the street network outside the "P" district because the site is suitable for the proposed use. The code-required on-site circulation and parking improvements can reasonably and adequately serve the residential development. The proposed project is an infill mixed-use development within an urban area. The site was previously developed with a retail shopping center. Fremont Boulevard is a major thoroughfare in the City of Fremont, and at this location in front of the proposed project. A traffic analysis (Hexagon Transportation Consultants, Inc., November 2004) was prepared for the Centerville Market Place development. Findings from this analysis concluded traffic from the proposed project would represent 1.4% of the P.M. peak traffic flow on Fremont Boulevard. The level of service (LOS) under the proposed project, with mitigation measures, will remain unchanged or improve. The proposed project is accessed from both Fremont Boulevard and Post Street. The site is designed with the new interior Market Street, a private street from Fremont Boulevard to Post Street and surface parking. The site is located in a developed area with a generally completed street system. The proposed project site design will provide adequate parking and emergency access.
4. Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed. The proposed project is a mixed-use project located in Subarea 1 of the Centerville Specific Plan. The specific plan indicates a new shopping center to be located at the proposed project site to concentrate retail activities in the historic business district of Centerville and to promote pedestrian-oriented uses and spaces. The proposed project will support these objectives by allowing the developer to create a new mixed-use development, with significant retail elements, and centered with a public plaza and new street which will enhance pedestrian uses.
5. Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council. A Planned District is required when a mixed-use project is larger than four acres in size. The mixed-use standards allow flexibility in design to accommodate the different uses. The applicant has incorporated features that warrant approval of the mixed-use project. The project does exceed the C-C Community Commercial District height limit of forty feet. The height at the roofline of the majority of the townhouse units ranges from 38 to forty feet. The height at the roof peak of corner elements and towers varies from 42.5 feet to a maximum of 55 feet on the tower element located at

the entry at Fremont Boulevard and Market Street. The increase in height at the corners adds variety to the roof line and creates focal points at the entries to Market Street.

6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. The area surrounding the development is developed and compatible with the proposed development.
7. The "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the goals and policies of the Land Use and Housing Elements of the City's General Plan.
8. That existing or proposed utility services are adequate for the population densities proposed. The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

### **General Conditions**

The following conditions were made by the Planning Commission on March 10, 2005 incorporated hereby:

- A-1 The approval of PLN2005-00129 shall conform to Exhibit "B" (Site Plan, Floor Plans, Elevations and Landscape Plan), Exhibit "C" (material and color board) and all the conditions of approval set forth herein. This Planned District, P-2005-129, entitles the construction of approximately 58,000 gross square feet of retail space and 110 residential units.
- A-2 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Assistant City Manager or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Assistant City Manager shall retain the authority to determine the level of review required, including a Planning Commission review.
- A-4 The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.
- A-5 This project is located within Subarea 1 of the Centerville Specific Plan and is subject to fees related to the cost of preparing the Centerville Specific Plan. The plan fee in this subarea is currently \$2,985 per acre of site. These fees will be collected at the time of building permit issuance.
- A-6 To mitigate the identified air quality impacts of grading and construction, dust suppression measures shall be incorporated into the project conditions of approval and construction drawings. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil, and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. In areas where construction is delayed for an extended period of time, the ground shall be re-vegetated to minimize the generation of dust. A person shall be designated to oversee the implementation of dust control.
- A-7 Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level. In the event of discovery of human remains during monitoring or construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to contain adjacent remains. Sponsor shall notify the Alameda County Coroner who shall make a determination as to whether the remains are Native American. If the coroner determines that the remains are not subject to his or her authority, s/he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased.

- A-8 Recommendations of the Phase II Site Assessment regarding further contamination characterization and cleanup of the site shall be completed. Remediation of the site is ongoing and clearance of the site is subject to approval from the Regional Water Quality Control Board and the Department of Toxic Substances Control. The closure of the current business and building demolition requires a closure letter issued by the appropriate authority prior to any residential construction on the site. Necessary permits shall be obtained from all applicable regulatory agencies.
- A-9 A noise assessment shall be prepared during the building permit review of the project. The analysis shall make recommendations regarding noise mitigation in compliance with the General Plan that shall be incorporated into the construction documents. Mitigation measures may include mechanical ventilation, and sound transmission class (STR) windows at the ratings levels to be determined in the report. A final evaluation by a qualified noise professional of the actual implemented noise attenuation devices and techniques would be required prior to the issuance of building permits.
- A-10 All construction equipment used on the project should be adequately muffled and maintained. Construction activities shall be limited to the following hours of operation:  
7 a.m. to 7 p.m. Monday through Friday  
9 a.m. to 6 p.m. Saturday  
No Construction Activities on Sunday
- A-11 The allowed uses are described in detail in Exhibit J of the Disposition and Development Agreement (DDA). The following is a general summary of the uses. The allowed uses include:
- Restaurants: cafes, bistros, bars and grills, and microbreweries/brewpubs
  - Food-Oriented Retail Uses: retailers of specialty groceries and/or produce, bakeries, bagels, delicatessens, coffee, juice, quality wine/liquor, semi-prepared foods, ice cream, desserts, chocolate and candies, and cheese
  - Specialty Retail Uses: retailers of housewares and fixtures, party items, seasonal merchandise, jewelry, florist/plants, art supplies, video, electronics (exclusive of retailers whose primary business is the sale of cellular/mobile phones), music, cards, gifts, eye wear, beauty supplies/products, bath supplies/products, cosmetics supplies/products, antiques, décor, hardware, books, photographic equipment, outdoor garden products, apparel, shoes, exercise items, bicycles, sports items, and pet items and supplies
  - Service Uses: photographic services provider, a photocopying services provider, and/or a commercial bank, savings institution, or credit union with an automated teller machine (ATM) service
- A-12 Outdoor uses related to the Retained Improvements shall be governed by the following restrictions. Outdoor displays promoting a Tenant's retail goods shall be permitted within five feet of the front door of each retail shop space as long as (1) the display is limited to a sampling of items available for sale in the store, (2) the items are displayed in a high quality manner, and (3) such displays do not impede pedestrian traffic along the applicable sidewalks or otherwise violate mandated accessibility requirements. Outdoor displays may contain more than one item, but may not contain identical items, nor can they contain text messages of any kind. The display of identical items is considered outdoor sales and is governed by the Outdoor Sales restrictions (see following condition). The display of text messages is governed by the sign standards and restrictions of the City of Fremont codes and ordinances.
- A-13 Outdoor sales activities are permitted year-round in the Market Place Plaza and the two mini-plazas (located at the entrance to the parking garages on either side of Market Street) to help activate the plazas and promote pedestrian activity. However, the Outdoor Sales Area (defined as the area where merchandise is displayed minus the pedestrian pathways within and adjacent to them) cannot exceed 50% of the area of the plaza when combined with the Outdoor Dining Area (defined as the area required for dining tables and chairs, including the pathway between tables) within the same plaza. Merchandise offered for sale in this manner is restricted to food items, cut flowers and plants, except where the Retail Association has authorized a Temporary Retail Sales Event (as described in the following condition) or a Public Activities Program (as described in DDA Exhibit Q).



- A-14 Temporary Retail Sales Events may include a wide variety of merchandise offered for sale that may or may not be available in the Development on a regular basis. Such sales events may only be offered four (4) times per year for no longer than three consecutive days, but may occupy the plazas and sidewalks without area restrictions, as long as such events do not impede pedestrian traffic within the plazas and sidewalks or otherwise violate mandated accessibility requirements.
- A-15 Public Activities Programs are defined in Exhibit Q, and may occupy plazas and sidewalks without area restrictions, as long as such events do not impede pedestrian traffic within the plazas and sidewalks or otherwise violate mandated accessibility requirements. Public Activities Programs may also occupy up to 25% of the on-site commercial parking spaces and use them for non-parking activities, for the duration of the applicable Public Activities Program, and subject to the parking provisions of the CC&Rs.
- A-16 Outdoor Dining is allowed subject to mandated accessibility requirements and applicable Alcohol Beverage Control Board requirements. Outdoor dining is permitted year-round in the Market Place Plaza, the two mini-plazas and within the first five feet of walkway adjacent to any restaurant frontage. The Outdoor Dining Area within each plaza may not exceed 50% of the area of the plaza when combined with the Outdoor Sales Area within the same plaza.
- A-17 Disapproved Uses. In addition to any other uses prohibited by applicable federal, state, or local laws or regulations, the following uses will not be permitted in the Retail Rental Improvements (the "Disapproved Uses"): adult oriented establishments whether for sale, rent or on-site use or viewing including adult book stores/adult cabaret/adult motion picture theater/or adult arcade; veterinary hospital or kennel or similar animal-related uses; establishments for sale or rent of funerary supplies, mortuary or related activities or services; arcade for video games, pool or billiards or other games except as incidental to an Approved Use; internet computer centers; karaoke establishments; nail salons, hair salons, or barber shops; day spas; medical services; fast food establishments; establishments involving drive-through retailing; establishments whose primary business is the sale of cellular/mobile phones; night clubs; manufacturing facility other than the brewing of beer in conjunction with a retail use; facility for repair of any appliances/vehicles or other products except as insubstantial and incidental to Approved Uses; establishments for the sale of convenience goods except as incidental to Approved Uses; establishments for the sale, storage, rental, and/or servicing of vehicles and vehicle parts; service station for the sale of gas, oil and related products; facility using/storing or treating hazardous materials or facility for rent or storage spaces or for warehousing except as incidental to an Approved Use and consistent with all applicable law, rules and regulations; facility for the housing of passive components such as digital switching units; establishments creating nuisances or other activities that unreasonably intrude upon the peaceful enjoyment of nearby tenants and property owners, including without limitation bad odors, loud noises, bright lights, substantial number of loiterers, trash and garbage and unhealthful or dangerous situations, or other uses similar in nature but not specifically listed above under Disapproved Uses, provided that activities conducted in compliance with applicable laws, including but not limited to the City noise ordinance, shall be determined not to constitute a nuisance or unreasonable intrusion. As used in the preceding paragraph, "Approved Use" means a use described in above conditions.

## **Site Planning**

- B-1 The parking configurations and dimensions shall conform to the City's standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking spaces shall be reserved for car parking and shall not be used for storage.
- B-2 Lighting associated with the project shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.

## **Building Design**

- C-1 All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.

- C-2 Final building design, colors and materials shall be consistent with Exhibit "B" (Site, Architecture, and Landscape Plans) and Exhibit "C" (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors.
- C-3 The final design, layout, and construction of the proposed development shall conform to the Security Ordinance, No. 2007, as amended, including a lighted street address and appropriate security measures, subject to the review and approval of staff during the Development Organization review process.
- C-4 No exterior additions, sunrooms, or modifications to the residences shall be permitted. This condition shall be incorporated into the CC&Rs for this project.

### **Engineering Conditions**

- D-1. In order to develop and sell condominiums, a tentative tract map application and private street application (for Market Street) shall be submitted for Planning Commission review and approval, and may be subject to modifications at the time of review. The Planned District is for a mixed-use development of approximately 110 residential units and 58,000 square feet of retail space. The tentative tract map will clearly state that the subdivision includes lots for condominium purposes.
- D-2 The developer shall dedicate right-of-way and install complete street improvements for the public streets surrounding the project site: Fremont Boulevard and Post Street. The developer shall also install a traffic signal at the intersection of Thornton Avenue and Post Street. The following are the minimum dedication and street improvement requirements for this project.
  - a. Fremont Boulevard: Also known as State Highway 84, Fremont Boulevard is a major arterial. Street improvements within Fremont Boulevard are subject to the requirements, review, approval, and permitting of Caltrans. Street improvements shall also be subject to review and approval of the City Engineer. Street improvements include, but are not limited to: installation of sidewalk, landscape, irrigation, streetlights, fire hydrants, and storm drain facilities; and relocation of existing utilities. Street right-of-way dedication shall be determined by the City Engineer and shown on the tentative map for the project.
  - b. Post Street is a minor commercial street with an existing right-of-way width of sixty-four feet and a pavement width of forty-four feet. The developer shall install complete street improvements up to the centerline of Post Street. Street improvements include, but are not limited to: removal of existing driveways, installation of new driveways, repair and replacement of sidewalk, installation of landscape, irrigation, streetlights, fire hydrants, storm drain facilities; and relocation of existing utilities. Street improvements shall be subject to review and approval of the City Engineer.
  - c. Thornton Avenue – Post Street Intersection: The developer shall install a new traffic signal at the intersection of Thornton Avenue and Post Street. Improvement plans for the new traffic signal shall be subject to review and approval of the City Engineer.
- D-3 The tentative tract map application shall include full-width, scaled cross sections of both Fremont Boulevard and Post Street.
- D-4 The property owner or owners shall execute a Maintenance Agreement with the City of Fremont. The Maintenance Agreement shall require the property owner(s) to provide for the maintenance, cleaning, and general upkeep of the sidewalk areas along Fremont Boulevard and Post Street within the public right-of-way. The Maintenance Agreement shall also include a provision that requires the property owner(s) to maintain, repair or replace any non-standard street improvements, including but not limited to decorative pavement and street furniture, along the project frontage should it become damaged or destroyed for any reason. The Maintenance Agreement shall include the specifications and methods used for construction of the non-standard improvements, especially the decorative pavement, so that it can be re-created in the future should it be damaged or destroyed.

- D-5 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831. In particular, the project plans shall include measures to demonstrate compliance with permit section C.3.d, Numeric Sizing Criteria for Pollutant Removal Treatment Systems. The project civil engineer shall include stormwater treatment hydraulic calculations with the first plan submittal for building permits shall include stormwater treatment hydraulic calculations with the first plan submittal for building permits.
- D-6 In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of on-site stormwater treatment measures. The agreement shall run with the land.
- D-7 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- D-8 All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using thermoplastic stencils purchased from the City of Fremont Maintenance Division. Alternative inlet stencils or marking may be permitted, subject to City Engineer approval during final map and subdivision improvement plan checking.
- D-9 All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). The City Engineer may require additional cleaning.
- D-10 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.

### **During Construction**

- E-1 The applicant shall notify Planning staff of the construction schedule. At the time of installation of framing and stucco/siding, the applicant or a representative of the applicant, shall request an on-site inspection by the project planner, to ensure compliance with the architectural detailing of the structures.

### **Fire Department Conditions**

The applicant shall meet all requirements in the 2001 California fire code and all local amendments to that code in Ordinance #2485.

- F-1 The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
- F-2 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13 with local amendments
- F-3 Automatic fire suppression systems in all group R-1 or R-3 occupancies shall have Residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heater closets, laundry rooms attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required.
- F-4 The applicant shall install a wet standpipe system if the building has more than 2 stories. Underground parking/levels shall be considered a story. The system may be in combination with the fire sprinkler system

- F-5 Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14
- F-6 The applicant shall provide for approval a site plan/Civil Utility Plan with the location of public, on-site fire hydrants and Fire Department Connections location(s). The applicant shall install six new fire hydrants on Fremont Blvd. Going east to west they shall be located #1 at driveway near Taco Bell, #2, 300 feet west of #1 at Market Street, #3, 300 feet more west at entrance to parking and the last one 300 feet west of #3 at the westerly parking entrance. #5 shall be installed at the entrance to the lobby/stairwell in the parking level of the residential complex, #6 at the entrance to the parking garage on the Fremont Boulevard side to the right of that entrance in the planter box.
- F-7 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- F-8 The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. C.F.C. 901.3, C.F.C. 903.2, and C.F.C. 903.3 Indicate as Fire Prevention note on plan sheets.
- F-9 The applicant shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials. C.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed. Indicate as Fire Prevention note on plan sheets.
- F-10 The applicant shall have a key box (Knox brand) located outside of buildings/gates and provide keys to the Fire Department so they may gain access. Vehicle gates shall use Knox lock or keyed over-ride switch. Gates shall also have an infrared receiver installed. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont. Indicate as Fire Prevention note on plan sheets.
- F-11 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable. The Fire Alarm system shall have audible devices provided for all commercial and residential units that are activated by water flow (AFES). Indicate as Fire Prevention note on plan sheets.
- F-12 Address must always be visible from Public Street. The applicant shall provide site map at all entrances to the residential areas. Indicate as Fire Prevention note on plan sheets.
- F-13 Gates across Fire Department access roads shall have a minimum 15-foot clear, unobstructed linear width and a clear vertical height of 13 feet 6 inches. All locking devices shall provide for Fire Department emergency access with Knox box, lock or over –ride switch and an infrared opener for fire department vehicles. (C.F.C. 2000, Sec. 902.2.4 & 902.2.1.) Indicate as Fire Prevention note on plan sheets.
- F-14 Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps and signs/address placards installed at the connection. Indicate as Fire Prevention note on plan sheets.
- F-15 The applicant shall provide a cache room for each residential development on the podium level.  
a) Standard condition for equipment cache room (size 8 feet by 6 feet 6 inches)  
b) Required Equipment list may be obtained from this office.
- F-16 The Fremont Fire Department (FFD) has the responsibility to respond to life threatening emergencies, fires and other types of emergencies at the location you are involved with. We would like to work with you in utilizing the drawings you've created to help protect the citizens of Fremont.

When submitting your application for a building permit we request that your plan set include a site plan, exit plan and floor plan for fire department use only. These plans should be in hard copy and digital format.

Attached you'll find several example drawings showing what we're trying to accomplish with your help. When assisting us, you do NOT need to have architects stamped seal on any modifications you submit to the FFD Complex Card Division. Please utilize the guidelines below. If you have any questions, don't hesitate to call me at 510-791-4292 or you can e-mail me at [gfogel@ci.fremont.ca.us](mailto:gfogel@ci.fremont.ca.us)

The Site Plan should include:

- Fire Hydrants
- Fire Department Connections for wet and dry standpipes (FDC)
- Fire Sprinkler Connections (FDC)
- Automatic Sprinkler Riser (ASR)
- Post Indicator Valves (PIV)
- Fire Alarm Control Panels (FACP)
- Main Electrical and Gas Shut-offs
- Emergency Air Systems (4 stories or more)

An Exit Plan should be included for each floor.

A Floor Plan should be included for each floor.

Digital drawings should be formatted in DWG or DXF. In order to reduce the size of the file and keeping our goal in mind, please remove unnecessary keynotes, symbols and layers. You may e-mail me this information ([gfogel@ci.fremont.ca.us](mailto:gfogel@ci.fremont.ca.us)) or send by US mail to City of Fremont Fire Department, 3300 Capital Ave Bldg "B", P.O. Box 5006, Fremont, CA 94537-5006, Attention Captain Fogel. If field changes are made please send "as built" plans in a hard copy, and either a CD ROM or floppy disk. Please include a contact name and phone number if we need to contact you regarding your drawings. Indicate as Fire Prevention note on plan sheets

## **Hazardous Materials**

- F-17 The portion of the facility to be converted to another use, shall be free of any reported hazardous materials and properly closed with the local agency/agencies, as required by California Health and Safety Code, Chapter 6.95, and as detailed in the Hazardous Materials Business Plan filed with the City of Fremont Fire Department.
- F-18 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
- F-19 The applicant must submit a Phase 1 and/or Phase 2 environmental site assessment(s). Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review.

## **Landscape Architecture Conditions**

- G-1 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter shall prevail.
- G-2 Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
  - a) Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.

- b) Medium trees (to 30 feet tall) no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.
  - c) Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.
- G-3 All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements of City Standard Detail SD-34 City Standard Street Tree Clearances. In order to install all the trees shown on the Preliminary Landscape Plans, utilities may require relocation subject to staff approval during Site Improvement Plans review and/or Development Organization review.
- G-4 No utility boxes or lines shall be located in planters. Utility locations shall be coordinated with PG&E, ACWD and Joint Trench plans so that meters are banked.
- G-5 A landscape plan shall be submitted to the Development Organization or the with Final Map Improvement Plans, or both, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a) An underground irrigation plan.
  - b) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
  - c) Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate to the project.
- G-6 All street trees along Fremont Blvd. with the exception of #32, 33, and 34 shall be preserved.
- G-7 Seatwall planter size and configuration at parking stalls shall be reviewed with staff during Development Organization and/or Site Improvement Plans review.
- G-8 No trees shall be planted in the self watering pots. Where trees are proposed in planters, the planters shall be of sufficient size to encourage growth, with adequate drainage and irrigation.
- G-9 The proposed project shall preserve Tree # 15 Holly Oak and Tree # 17 California Pepper as identified on the Tree Survey Plan. Preservation shall be accomplished through the use of tree protection zones and pruning. The pruning shall be in strict accordance with the Arborist recommendations and supervised on site by the Arborist. In addition trees # 1-7 and #10 as identified on tree survey plan shall also be preserved.

## **Environmental Services Conditions**

- H-1 Municipal solid waste (MSW) collection service is required for all commercial, multi-family and residential properties, and is provided by Browning Ferris Industries (BFI) on an exclusive franchise basis. Collection of recyclables at multi-family residential complexes is mandatory, and is provided by the City's franchised hauler (FMC IV, Ch 2, 4-2101, -2200, -2212). Contact BFI at (510) 657-3500 to arrange for service.
- H-2 Prior to receiving a demolition or building permit, the applicant must submit a Waste Handling Plan for managing all expected construction and demolition debris to the Environmental Services Division. Environmental Services supplies this form (see sample attached), or a Plan may be submitted in any format that includes the following information:
- a. Contractor's name, address, and telephone number
  - b. Project location and/or street address
  - c. Anticipated start and completion dates of the project
  - d. A list of debris materials the applicant expects to generate (e.g., glass, wood, metal, drywall, concrete, or bricks), the estimated total tonnage or volume of material, and whether it is to be salvaged, reused, recycled or disposed
  - e. Estimated total cost of waste disposal and recycling.

- H-3 Environmental Services will review the Plan and may recommend alternative disposal methods for the debris material.
- H-4 After completing the demolition or construction project, the contractor will submit a **Post-Project Waste Disposal & Diversion Report** to Environmental Services on actual tonnages or volumes disposed and recycled for the project, and the actual cost of disposal and recycling. Environmental Services supplies this reporting form.
- H-5 The applicant may contract with any company licensed to do business in Fremont for collection, storage and hauling of contractor-separated construction and demolition materials for salvage or recycling. Separated material destined for recycling may not contain more than 10% by weight of solid waste or other non-recyclable material (FMC IV, Ch 2, 4-2303).
- H-6 The contractor must insure that non-recyclable construction and demolition debris is removed from the site using means set out in the Fremont Municipal Code, including one or more of the following ways (FMC IV, Ch 2, 4-2300):
- f. Removal from the premises by the construction or demolition contractor as part of a total construction, remodeling or demolition service offered by that contractor;
  - g. Placement of small amounts of debris into the customer's existing trash container(s) with prior notice to the City's franchised waste hauler;
  - h. Contacting the City's franchised waste hauler to arrange for use of rolloff drop boxes or debris box containers with sufficient capacity to store all demolition materials to be landfilled.
- H-7 Each dwelling unit shall include an area with a minimum of six (6) cubic feet designed for the internal storage of trash and recyclable material. A minimum of three (3) cubic feet (undivided) shall be provided for storage of trash and a minimum of three (3) cubic feet (undivided) shall be provided for storage of recyclable material.
- H-8 Design and sizing requirements for new trash enclosures are included in the City of Fremont Waste Handling Requirements document.
- H-9 The Multifamily Green Building Guide outlines some design considerations in terms of water and energy conservation, reduced toxicity of building materials, and other resource efficiencies. The applicant should contact the Alameda County Waste Management Authority at (510) 614-1699 for more information and assistance with green building.

**EXHIBIT "F"**  
**CENTERVILLE MARKET PLACE**  
**Preliminary Grading Plan**

**FINDINGS**

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated March 10, 2005, as well as information presented at the public hearing, incorporated herein.

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
2. The proposed project described in the application will not endanger public sewers, storm drains, water courses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
3. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.
4. The proposed project described in the application will not result in geologic or topographic instability on or near the site. Based on geologic information available, the site is not in a special studies zone. There are no fault zones or evidence of slides on the site which might be aggravated by the grading of the development. A soil study will be done and submitted in conjunction with the Development Organization submittal.
5. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the public works director upon city review of the reports. The proposed development is not in any special studies zone nor is there evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.

**PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:**

1. The project shall conform with Exhibit "A" (Preliminary Grading Plan), all conditions of approval set forth herein, and all conditions of approval of Planned District PLN2005-00129.
2. Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
3. Approval of this Preliminary Grading Plan shall terminate 24 months from the date of approval by the Planning Commission, or approval shall run concurrent with the approval and subsequent extensions of a tentative map on the project site.
4. A grading permit issued for the project shall be in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.
5. The applicant shall provide for a functional system to control erosion and siltation during and after grading subject to review and approval by the City Engineer or Alameda County Flood Control and Water Conservation District. An erosion and sediment control plan shall be included as part of the grading plans.
6. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.



7. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul truck route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
8. Prior to issuance of a grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).
9. The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections, prepared by a qualified soils engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads.
10. Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
11. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
12. The project shall not augment stormwater runoff from the site. On-site mitigation measures, such as stormwater detention or retention, may be necessary to accommodate the augmented runoff.